

Message Text

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ACTION EUR-12

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FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC PRIORITY 9040
INFO AMEMBASSY BUCHAREST PRIORITY

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E.O. 11652: N/A
TAGS/ OGEN, PDIP, AFSP, RO
SUBJECT: POSSIBLE WAIVER OF DIPLOMATIC IMMUNITY OF U.S.
OFFICIALS IN BUCHAREST

REF: BUCHAREST 0182

1. WE ARE CONCERNED OVER POSSIBLE ADVERSE EFFECTS ON POSITION
TAKEN BY UNITED STATES WITH DIPLOMATIC COMMUNITY IN NEW YORK
IF LEVY AND PLASSE ARE PERMITTED TO PLEAD DIPLOMATIC IMMUNITY
IN CONNECTION WITH SUMMONSES THEY HAVE RECEIVED TO APPEAR IN
ROMANIAN COURT.

2. AS DEPT KNOWS, WE HAVE FOR MANY YEARS STRONGLY AND
CONSISTENTLY ADVOCATED THAT DIPLOMATS APPEAR IN COURT IN CONNECT-
ION WITH CASES SIMILAR TO THOSE CITED IN REFTTEL. THIS POSITION
WAS ADVANCED IN CASES INVOLVING JEWISH DEFENSE LEAGUE (JDL),
CROATIAN TERRORIST CASE AND OTHERS. WE HAVE SPOKEN ON THIS PROBLEM
MANY TIMES IN GENERAL ASSEMBLY COMMITTEE ON RELATIONS WITH
HOST COUNTRY. IN MAJOR JDL CASE IN FEDERAL COURT, SOVIETS
AGREED TO ALLOW SOVIET DIPLOMAT TO TESTIFY. IN CROATIAN
TERRORIST CASE, YUGOSLAVS PERMITTED MEMBER OF THEIR MISSION
TO TESTIFY IN SUCCESSFUL PROSECUTION OF CROATIAN TERRORISTS.
THESE CASES INDICATE THAT BY OUR PERSISTENT EFFORTS, WE ARE
BECOMING MORE AND MORE SUCCESSFUL IN PERSUADING GOVERNMENTS TO
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ALLOW THEIR DIPLOMATS TO TESTIFY IN COURT. OBVIOUSLY, WITHOUT
TESTIMONY FROM DIPLOMATS, MANY CASES CANNOT DEVELOP AND ARE
LOST.

3. WE HAVE HAD CONTINUING PROBLEMS WITH ROMANIAN MISSION IN
NEW YORK AS A RESULT OF FREQUENT DEMONSTRATIONS BY PROTESTERS
DECRYING VIOLATIONS OF HUMAN RIGHTS IN ROMANIA. IN EVENT WE

DESIRE ROMANIAN DIPLOMAT TO APPEAR IN COURT AS RESULT OF
POSSIBLE FUTURE INCIDENT, ROMANIANS COULD CITE REFUSAL TO
COOPERATE BY LEVY AND PLASSE AS A REASON FOR RECIPROCAL
UNWILLINGNESS ON THEIR PART TO APPEAR IN COURT.

4. UNLESS THERE ARE CIRCUMSTANCES WE ARE NOT AWARE OF,
WE BELIEVE SERIOUS CONSIDERATION SHOULD BE GIVEN BY DEPT
TO WAIVE IMMUNITY OF LEVY AND PLASSE SO THEY CAN APPEAR IN
ROMANIAN COURT TO TESTIFY IN CONNECTION WITH THEFT OF PERSONAL
PROPERTY FROM BASEMENTS OF THEIR APARTMENTS.

LEONARD

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